



RICHMOND POLICE DEPARTMENT GENERAL ORDER



| | | | | |
|---|-------------------------------|--|--------------|------------|
| Subject: TAKE-HOME VEHICLES | | Chapter 3 | Number 10 | Pages 8 |
| References: CALEA Standards: 41.3.1, 61.1.6 | Related Orders: 1-1, 3-9, 4-4 | Effective Date: 04/01/2019 Revised By: Review Prv. Rev. Date: 08/04/15 | | |
| Chief of Police: <i>William C. Smith</i> | | | | |

I. PURPOSE

The purpose of this Order is to establish the policy and procedure for the safe and efficient utilization of Department-issued vehicles. It is the purpose of the Department to provide immediate responses of resources and personnel to situations involving the protection of life, property and the investigation and administration of such incidents. To this end, vehicles will be allocated, based on assignments, to maintain the good order of the community and those personnel responsible for the proper oversight of police functions. Those vehicles assigned to the Take-Home Marked Vehicle Program remain under the control of General Order 3-9, Take-Home Marked Vehicle Program and are only available to residents of the City of Richmond.

II. SUMMARY OF CHANGE

The Tri-Annual review of this General Order was conducted with no changes incorporated.

III. POLICY

- A. Take-home vehicles within the Police Department fall under City of Richmond Administrative Regulation 6.2 section V. #6. The use of a take-home vehicle is a privilege and not a right that the Department extends to employees who are in good standing in order to maximize their abilities toward meeting the goals of the Department.
- B. Certain Divisions shall be permitted to utilize rental vehicles at the discretion of the Chief of Police or designee. The use of such vehicles will be strictly monitored and their use narrowly defined. Rental vehicles will not be used for routine or general patrol. Virginia law enforcement vehicles used in routine or general patrol service must be conspicuously marked and equipped with at least a siren and emergency lights in operational order and constant radio communication.
- C. Members shall complete and sign form PD-56, "Take-Home Vehicle Agreement" before he/she is allowed to operate any such vehicle.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITIONS

- A. RENTAL VEHICLE – Any vehicle used by the Department and not equipped with emergency lights, siren, special factory equipped police package or mounted radio equipment. These vehicles will be rented from a private company.
- B. OTHER NON-POLICE EQUIPPED VEHICLE – Any vehicle which is utilized by the Department and not purchased through the Department of General Services. These vehicles are not equipped with emergency lights, siren, radio or special police package equipment.
- C. TAKE-HOME VEHICLE – Any Department vehicle which has been assigned to a particular person, based on the nature of his/her assignment, that is to be used for official police business and that the designated employee may drive to and from his/her place of business.
- D. MARKED VEHICLE – Any Police vehicle that is equipped with emergency lights, siren and police radio and the vehicle has markings that are easily and readily identifiable as a Department vehicle. *[CALEA 41.3.1]*
- E. SPECIALTY VEHICLE – Any Department vehicle that houses specialized equipment beyond a standard installation for a police vehicle. Vehicles in this category include K-9, Special Weapons and Tactics (SWAT), Explosive Ordinance Disposal (EOD) and Forensics.
- F. RESPOND TO AFTER HOUR CALL BACK/INVESTIGATIONS TO A SCENE – An immediate response required by detectives to respond to a scene to initiate an investigation.
- G. INCIDENT MANAGEMENT RESPONSE – A response within 30 minutes to an incident to include SWAT, Hostage Negotiations, EOD Team and critical Systems Failure (Department of Emergency Communications (DEC) and Information Technology (IT)).
- H. ON-CALL STATUS 24-HOURS PER DAY – Key staff positions designated by the Chief of Police to be responsive for the benefit of the Department and the City of Richmond.

VI. PROCEDURES

A. Criterion:

1. Certain Department personnel may be assigned a take-home vehicle only if one is available and approved at the discretion of the Chief of Police or designee. Take-Home vehicles must fall within the three categories listed. A list of the authorized personnel will be maintained by the OIC of the Property and Evidence Unit. Employees must reside within a 15 mile radius of the Richmond City limits. Exceptions may be authorized by the Chief of Police.
 - a) Respond to After-Hours call back/Investigations to a scene.
 - b) Incident Management Response – Response within 30 minutes to an incident.
 - c) On-Call Status 24-hours daily – Certain management and infrastructure positions within the Department are required as determined by the Chief of Police to be responsive 24 hours a day.
2. Any violation of laws, Department policies, rules and regulations may result in removal of a take-home vehicle at any time. This may include:
 - a) Disciplinary action as a result of an accident;
 - b) Below expectations performance evaluation; and/or,
 - c) Disciplinary actions (Incidents of suspension may result in the loss of a vehicle).

B. Constraints on the use of take-home vehicles:

1. General Order 1-1, Code of Conduct, regarding the use of tobacco products applies to all City vehicles.
2. Employees are not to use a cellular telephone while actively driving a City vehicle, unless using a hands-free device.
3. Due to state law and basic safety considerations, the following limitations shall be strictly enforced for vehicles void of emergency lights, siren and special police packaging (special tires, suspension, etc.):
 - a) Pursuits are forbidden.
 - b) No high-speed surveillance is permitted. Speed limits and motor vehicle laws shall be obeyed.
 - c) Rental vehicles are not to be used to stop any vehicle. The assistance of a police unit properly equipped with emergency lights and siren will be utilized when attempting to stop a vehicle. Rental vehicles are not

authorized or equipped with emergency lights or sirens; therefore, their use is prohibited.

- d) Any other standard operating procedure or directive relating to the operation of a City-controlled vehicle shall apply.

C. Accidents & Maintenance Procedures for Rental Vehicles:

1. Accidents:

Members shall follow standard procedures for reporting accidents involving City-owned vehicles.

2. Maintenance:

- a) The rental company shall perform all maintenance required on any rental vehicle.
- b) Road or wrecker service, which may be required for any rental vehicle, shall be performed by the service garage designated by the rental company.
- c) All vehicles returned to the rental agency shall be in a clean condition with a full tank of gas.
- d) All maintenance, road or wrecker service that may be required for any other non-police package vehicle shall be performed in accordance with established procedures as outlined for any City vehicle.

D. Take-Home Vehicles:

1. General:

- a) The OIC of the Property and Evidence Unit is responsible for the tracking of take-home vehicles. Bi-annually, the OIC of the Property and Evidence Unit or designee shall forward a listing of preventable accidents by operators of take-home vehicles to the appropriate Deputy Chief of Police. The appropriate Deputy Chief of Police shall bi-annually review preventable accidents and disciplinary history of those employees with take-home vehicles and forward any recommendations to the Chief of Police.
- b) The Chief of Police shall allocate vehicles upon the recommendation of the OIC of the Property and Evidence Unit, Majors or civilian equivalents and the appropriate Deputy Chief of Police. It will be the responsibility of each OIC to identify those positions and appropriate personnel who, because of the nature of their work, would need a take-home vehicle. The Chief of Police may make discretionary exemptions to the allocation of vehicle assignments in this program in the best interest of the Department.

- c) Employees participating in this program are required to sign a PD-56 and adhere to the terms as provided in this policy.
- d) Pursuant to VA Code §33.1-252, only local police officers may use their RMA Smart Tags in the performance of their official duties. Sworn officers that drive to and from work in an authorized take-home Department vehicle are considered to be “in the performance of their official duties” and may use the Smart Tag for free toll passage. However, officers shall not use their RMA Smart Tags for their personal vehicles.
- e) The Major of the Office of Professional Responsibility (OPR) or designee shall bi-annually forward to the appropriate Deputy Chief of Police a listing of disciplinary history to include all forms of disciplinary action for each employee assigned a take-home vehicle.
- f) The Human Resources Division Chief or designee shall notify the OIC of Property and Evidence of any employee out for more than 30 or more days, as soon as possible.

2. Allocation:

- a) Participation in this program is a privilege and not a right. No legal right exists to the continued use of a take-home vehicle. The Chief of Police may rescind the authorization at any time due to the unavailability of vehicles; a change in the Department’s priorities or policies; a change in an employee’s assignment or duties or for any other reason that the Chief of Police may deem appropriate.
- b) Withdrawal of the authorization will not be considered a disciplinary action and, therefore, it is not grievable.
- c) The assigned take-home vehicle will be used only for official business and the vehicle’s operation, use and care will be in accordance with all relevant City and Departmental policies and procedures.
- d) A take-home vehicle may remain at the home of an employee who is unable to perform their normal duties due to injury, illness, administrative leave, on vacation, etc. However, the vehicle shall not be operated until the member is scheduled to return to duty.
 - (1) If the employee is out for 30 or more days, the vehicle shall be picked up from the employee’s residence.
 - (2) If a member is on long term illness, sick leave or administrative leave, they will usually have their police powers withdrawn. Therefore, they should not be in possession of a police vehicle.
 - (3) When a member has had his/her police powers withdrawn, Commanding Officers are to ensure that the vehicle is turned in and may be used at the discretion of the Commanding Officer.

- e) The Use of a Take Home Vehicle by an unassigned officer is prohibited without prior approval from the appropriate Precinct, or Special Operations Division, Commander/Captain.
- f) Replacement vehicles will be assigned when:
 - (1) A vehicle is too costly to maintain;
 - (2) The vehicle is involved in an accident (at no fault of the employee) and is beyond repair;
 - (3) The vehicle is a safety hazard to an employee or citizen;
 - (4) There is an available vehicle; or,
 - (5) The Chief of Police or designee decides that it is in the best interest of the Department.

3. Vehicle Operation:

- a) All policies and procedures of the Richmond Police Department will apply while operating an assigned take-home vehicle.
- b) The employee shall be dressed so that he/she can function effectively as a Department representative (swimsuits, jeans with holes, etc. or similar attire will not be permitted except as approved by a Commander.) For additional information, see General Order 4-4, Grooming and Personal Appearance.

Exception: Employees may operate a take-home vehicle while dressed in “workout” attire, provided they are responding to and from a “workout” session.
- c) Only authorized Department personnel will be permitted to operate the vehicle, unless an emergency situation exists. An employee must have his/her badge and/or an identification card in his/her possession at all times.
- d) Any damage or accident involving a take-home vehicle will be reported immediately to the Division of Emergency Communications and the on-duty supervisor in accordance with Department policy.
- e) Any employee attending a police related activity beyond a distance of 15 miles will secure approval from the Major or civilian equivalent of his/her Service, prior to driving the vehicle to that destination.
- f) Unattended vehicles will be locked at all times.

4. Off-Duty Regulations:

- a) Officers who drive assigned vehicles off-duty will not presume any special privilege. Employees will use good judgment at all times and not drive in such a manner that will cause unfavorable comments or reflect disrespect on the City or Police Department.
- b) Employees who transport passengers shall use due caution and the transportation of passengers shall occur only when the employee is engaged in official City business.
- c) When, by the nature of a radio dispatch for police assistance or by an off-duty officer's proximity to an incident, it becomes obvious that his/her immediate response may result in the prevention of a crime or the apprehension of a criminal, the off-duty officer will respond and initiate or assist in any police action necessary and will follow established police procedure when observing or responding to a crime in progress. Take Home vehicles may be authorized to assist if it is obvious that the officer's immediate response maximizes the prevention of a crime or the apprehension of a criminal.
- d) Traffic – Officers in uniform should take appropriate police action if a violation is observed. Factors to be considered are the nature of the violation and the safety of passengers in the take-home vehicle. Non-uniformed personnel in marked or unmarked police vehicles shall not make vehicle stops. However, the severity and/or hazard posed by a serious violation may dictate action by the officer in aggravated situations. *[CALEA 61.1.6c]*
- e) Criminal – Officers driving take-home vehicles while off-duty shall render police assistance in observed situations representing a health or safety hazard or when summoned. An officer shall also be expected to respond to incidents involving physical violence if he/she is in the vicinity of the call. Upon arrival of on-duty units, the off-duty officer shall assist assigned units as directed by a supervisor or requested by a fellow officer.
- f) It will be necessary for officers to log in and out of service with DEC while off-duty and handling an incident.
- g) Off-duty officers, when using the radio, will use their code number when transmitting radio messages.
- h) When an off-duty officer responds to a call or takes law enforcement action in response to a situation the officer witnesses, such response action will be compensated as hours worked, in accordance with City policy.
- i) Employees will not operate any City vehicle while under the influence of intoxicating beverages, drugs, or other substances. No city vehicle

may be used to transport alcoholic beverages unless it is part of official police duties.

5. Maintenance:

- a) All personnel participating in the take-home vehicle program will be responsible for the maintenance, condition and security of their assigned vehicles and equipment.
- b) Employees are responsible for making a written notification of any malfunction or needed repairs and delivering it to the City Garage with the vehicle.
- c) Additional equipment will not be installed on vehicles without prior approval of the OIC of the Property and Evidence Unit, or designee.
- d) Supervisors will ensure that Officers under their command who are assigned a take home vehicle conduct monthly scheduled inspections of all take-home vehicles and equipment. The inspection officer shall complete a PD-86 documenting the conduct of the inspection and noting any deficiencies found.

VII. FORMS

PD-56, Take-Home Vehicle Agreement

PD-86, Vehicle and Equipment Inspection Report (Car)